

REMARKS

Claims 20-22, 24, 25, 28-31, 36-40, 42 and 43 have been examined. Claims 20 and 36 have been amended. Reconsideration of the claims, as amended, is respectfully requested.

Claim Rejections - 35 U.S.C. §103

Claims 20-22, 24, 25, 28-31 and 36-40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Matthews in view of Holmquist. This rejection is respectfully traversed.

As presently pending, independent claim 20 claims a baby holding device which comprises a pillow body having a medial region, two opposing curved arms and an inner well region. Also, a securing system is operably coupled to the pillow body and includes a seat that is coupled to the pillow body and disposed within the well region, and a center strap extending from the seat that is configured to be placed between the baby's legs so as to extend over at least a portion of the baby's torso. Also, the center holding strap may be operably coupled directly to the opposing arms of the pillow body to hold the baby in the seat within the well region.

In order to present a prima facie case of obviousness, every element of the claim must be taught or suggested by the cited art. Even assuming, *arguendo*, that the teachings of Holmquist may be combined with the teachings of Matthews, they still do not teach or suggest every claim limitation. For example, claim 20 requires that the center holding strap be operably coupled directly to the opposing arms of the pillow body. Nowhere in Matthews or Holmquist is such a feature taught or suggested. More specifically, the Office Action asserts that Holmquist describes a pillow body 12 with opposing arms 13 and 14. However, a careful review of the Holmquist patent reveals that securing system 22 is not coupled to elements 13 and 14. As such, nowhere in the combined teachings of Matthews and Holmquist is there any teaching or suggestion of having a securing system that operably directly attaches to the opposing arms of

the pillow body. Hence, for at least this reason independent claim 20 is distinguishable without amendment.

Moreover, Applicants strenuously disagree that one of skill in the art in the possession of the teachings of Matthews would want to employ the safety harness 22 of Holmquist. The Office Action recites that the holding device of Holmquist is similar to Matthews. Applicants respectfully disagree. Not only are elements 13 and 14 of Holmquist not arms, but the Holmquist reference also fails to describe any type of inner well region. The safety harness 22 of Holmquist is needed to keep the baby from falling out of a seat. This safety harness would not be necessary or even functional with the applications described in the Matthews patent. For example, Figures 5 and 6 of the Matthews patent illustrate a baby lying within the well region of a pillow. The baby's legs extend beyond the pillow so as to be lying on a mat. In such a position, it is difficult to see how a securing system which is coupled to the pillow body and then extends back onto the arms could even be used. Hence, for at least this reason claim 20 is further distinguishable.

However, in order to expedite prosecution, claim 20 has been amended to recite that the center holding strap is sized so as to substantially cover the front of the baby's lower torso and crotch region. As illustrated in the Holmquist patent, safety harness 22 comprises two strips of material which do not substantially cover the front of the baby's lower torso and crotch region. As such, the Holmquist safety harness would be ill suited for holding a baby with the claimed pillow body. Hence, claim 20 is further distinguishable. Claims 21, 22, 24, 25 and 28-31 depend from claim 20 and are distinguishable for at least the same reasons.

Independent claim 36 claims a baby holding device where the securing system comprises a center holding strap extending within the inner well region which forms a seat that is configured to at least partially support the baby while positioned within the baby holding device. Also, the center holding strap has a free end that is configured to be operably secured directly back to the pillow body.

In contrast to the baby holding device of claim 36, neither the Matthews nor the Holmquist patent teach a securing system which comprises a center holding strap that extends within the inner well region to form a seat and which includes a center holding strap that is configured to be operably secured directly back to the pillow body. As recognized in the Office Action, the Matthews patent contains no securing system. Also the securing harness 22 in Holmquist does not have a center holding strap that extends within an inner well region to form a seat and which has a center strap that is secured directly back to the pillow body. Indeed, the Holmquist device already has a seat. As such, claim 36 is distinguishable over Matthews and Holmquist without amendment. Moreover, as recited in connection with independent claim 20, Applicants assert that one of skill in the art would have no motivation to combine the harness 22 of Holmquist with the pillow of Matthews, particularly in view of the methods of use illustrated in Figs. 5 and 6 of Matthews.

However, in order to expedite prosecution, claim 36 has been amended to recite that the center holding strap is sized so as to substantially cover the front of the baby's lower torso and crotch region. Since none of the cited art teaches such a limitation, claim 36 is further distinguishable and in condition for allowance. Claims 37-40 depend from claim 36 and are distinguishable for at least the same reasons.

Claims 42 and 43 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Matthews in view of Holmquist and further in view of Linge. Claims 42 and 43 depend from claim 40 which is distinguishable over Matthews and Holmquist for at least the reasons previously described. Since the Linge patent also fails to teach or suggest such limitations, claims 42 and 43 are distinguishable and in condition for allowance.

CONCLUSION

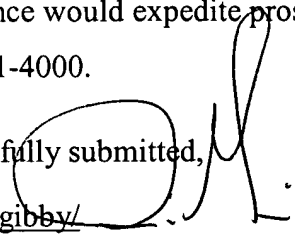
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


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